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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA  
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9 James Winston, et al., )

No. CV 04-342-PHX-SMM

10 Plaintiffs, )

**ORDER RE: FINAL PRETRIAL  
CONFERENCE**

11 vs. )

12 American Family Mutual Insurance )  
13 Company, )

14 Defendant. )  
15

16 A Final Pretrial Conference has been set in this case for November 28, 2006 at 4:00  
17 p.m. Accordingly,

18 **IT IS ORDERED** that, if this case shall be tried to a jury, the attorneys who will be  
19 responsible for the trial of the lawsuit shall prepare and sign a Proposed Pretrial Order and  
20 submit it to the Court no later than **5:00 p.m. on October 27, 2006**. In addition to filing a  
21 written copy of the Proposed Pretrial Order with the Court, the parties shall also submit a  
22 copy of the Final Pretrial Order on an IBM-compatible computer disk in WordPerfect® 7.0  
23 format. (360K, 720K, 1.24K, and 1.44K diskettes are all acceptable).

24 **IT IS FURTHER ORDERED** that the content of the Proposed Pretrial Order shall  
25 include, but not be limited to, that prescribed in the Form of Pretrial Order attached hereto.  
26 Statements made shall not be in the form of a question, but should be a concise narrative  
27 statement of each party's contention as to each uncontested and contested issue.  
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1 (4) Each party shall submit a form of verdict to be given to the jury at the end of  
2 the trial.

3 **IT IS FURTHER ORDERED** directing the parties to submit their proposed voir dire  
4 questions, joint statement of the case, and stipulated jury instructions on IBM-PC compatible  
5 computer disk in WordPerfect® 7.0 format in addition to the written materials filed with the  
6 Clerk of the Court. (360K, 720K, 1.24K, and 1.44K diskettes are all acceptable).

7 **IT IS FURTHER ORDERED** that if the case will be tried to the Court, rather than  
8 to a jury, instead of filing a Proposed Pretrial Order, each party shall submit proposed  
9 findings of fact and conclusions of law by the same date the Proposed Pretrial Order is due.  
10 These proposed findings of fact and conclusions of law shall be submitted in both written  
11 copy and on an IBM-compatible computer disk in WordPerfect® 7.0 format. (360K, 720K,  
12 1.24K, and 1.44K diskettes are all acceptable).

13 **IT IS FURTHER ORDERED** that the parties shall keep the Court apprised of the  
14 possibility of settlement and should settlement be reached, the parties shall file a Notice of  
15 Settlement with the Clerk of the Court.

16 **IT IS FURTHER ORDERED** that this Court views compliance with the provisions  
17 of this Order as critical to its case management responsibilities and the responsibilities of the  
18 parties under Rule 1 of the Federal Rules of Civil Procedure.

19 DATED this 29<sup>th</sup> day of September, 2006.

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23 Stephen M. McNamee  
24 United States District Judge  
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